

FILED '09 OCT 13 14:04 USDC-ORF

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

**SIERRA CLUB**, a non-profit corporation,  
**NORTHWEST ENVIRONMENTAL  
DEFENSE CENTER**, a non-profit  
corporation, **FRIENDS OF THE  
COLUMBIA GORGE**, a non-profit  
corporation, **COLUMBIA RIVERKEEPER**,  
a non-profit corporation, and **HELLS  
CANYON PRESERVATION COUNCIL**, a  
non-profit corporation,

Civil No.: 08-1136-HA

**ORDER**

Plaintiffs,

v.

**PORTLAND GENERAL ELECTRIC  
COMPANY**, an Oregon Corporation,

Defendant.

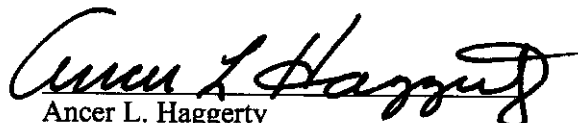
HAGGERTY, District Judge:

On this day came to be heard Plaintiffs' Unopposed Motion to Amend the Court's Order [Doc. 49] Regarding Defendant's Motion to Dismiss. Having considered the motion, the Court is of the opinion that the motion is well taken and should be GRANTED. It is, therefore,

ORDERED that this Court's Opinion and Order [Doc. 49] is amended to reflect that the portion of Claim One of Plaintiffs' Complaint that addresses one-time requirements, such as conducting performance tests within 180 days of startup, are dismissed, but those Subpart Da requirements that are on-going, such as the obligations to comply with certain emission limitations, to monitor emissions continuously, and to report periodically are not dismissed. With respect to alleged modifications of the PGE Boardman boiler, Plaintiffs' claims for

violations of emissions limitations set forth in Paragraph 168 of the Complaint, as well as Plaintiffs' claims for violations of other ongoing requirements set forth in Paragraph 169 through 171 of Plaintiffs' Complaint, are hereby reinstated to the extent the alleged on-going violation continued past January 15, 2003.

Signed this 13 day of Oct, 2009.

  
Ancer L. Haggerty  
United States District Judge

Submitted by:

/s/ Aubrey Baldwin  
Aubrey Baldwin  
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